IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 20807 of 2004

Between:

Bangaru Ramanaiah, S/o.Subbaiah,
R/o.Kommur Revenue Village, Nandalur Mandal, Kadapa Dist.

..... PETITIONER

AND

1 The Special Deputy Collector, Unit IV, Somasila Project,

Rajampet, Kadapa District.
2 The District Collector, Kadapa District, Kadapa.
3 B.Bangaraiah, S/o.B.Subbaiah,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.
4 Bangaru Pedda Pakkeraiah, S/o.B.Subbaiah,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.
5 Bangaru Sreenivasulu, S/o.Bangaraiah,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.
6 Bangaru Subramanyam, S/o.Bangaraiah,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.
7 Bangaru Vijay Kumar @ Kumar, S/o.Bangaraiah,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.
8 Bangaru Kalavathi W/o.B.Sreenivasulu,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.

9 Bangaru Padmavathi, W/o.D.Subrahmanyam,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.

10 Bangaru Bhargavi, W/o.Vijaya Kumar @ Kumar,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.

11 Godadi Eswaraiah, S/o.Veeraiah,
R/o.Kommur Revenue Village, Konapuram Post, Nandalur

Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent herein in not considering the petitioner's letter dt.9-11-2004 and further proceeding to disburse the compensation amounts in favour of the Respondent Nos.3 to 11 herein is highly illegal, arbitrary and unjust and to consequently direct the respondent No.1 herein to forthwith refer the matter to the competent civil Court u/sec. 30 of the L.A.Act, and to pass such other order.

Counsel for the Petitioner:MRS.S.NANDA

Counsel for Respondents 1 and 2: GP FOR LAND ACQUISITION

Counsel for Respondents 3 to 11: None appeared

The Court made the following ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent-Special Deputy Collector, Unit IV, Somasila Project, Rajampet, Kadapa District in not considering the request of the petitioner not to disburse the compensation amount to respondents 3 to 11 and to refer the matter under Section 30 of the Land Acquisition Act for deciding the dispute, is arbitrary and illegal.

This Court, while directing notice to the respondents, by order dated 11-11-2004, directed the Land Acquisition Officer not to disburse the compensation amount, if not already disbursed as on that date.

However, now in the counter affidavit filed by the first respondent, it is stated that the order dated 11-11-2004 passed by this Court was received by the first respondent on 16-11-2004, and by that time the compensation was already disbursed to respondents 3 to 11 on 11-11-2004 at 11.00 a.m. It is also stated that the first respondent was not aware of the orders of this Court at the time of disbursement of

the cheques.

Since the cheques have already been disbursed in terms of the Award, nothing survives for adjudication on merits in this writ petition. However, this shall not preclude the petitioner to work out the appropriate remedy available under the Land Acquisition Act for adjudication of the claim made by him.

Accordingly, granting leave and liberty to the petitioner, the writ petition is disposed of. No order as to costs.

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20-12-2004

kdl

To

1 The Special Deputy Collector, Unit IV, Somasila Project,

Rajampet, Kadapa District.
2 The District Collector, Kadapa District, Kadapa.
3 Two C.Cs. to the Government Pleader for Land Acquisition, High

Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.